

**DECLARATION IN UTILITY PATENT APPLICATION
AND POWER OF ATTORNEY**

I, the undersigned petitioner, declare that: **R. SCOTT CAPPS** is a citizen of the United States, residing in Clatonia, Nebraska, with a post office address of 4804 West Birch Road, Clatonia, NE 68328; that I verily believe myself to be the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ROTARY FLOAT** described and claimed in the annexed specification; that I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; that I have reviewed and understand the contents of the above-identified specification including the claims, as amended by any amendment specifically referred to in the oath or declaration; that I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations 1.56; and that no application for patent or inventor's certificate on this invention has been filed by me, or my legal representatives or assigns in any country foreign to the United States of America, except as identified below:

NONE.

And I hereby appoint George Nimmer, Registration No. 21,004 having an address of PO Box 252, Omaha, NE 68101-0252 (telephone 402-393-0151) as my attorney to prosecute this application and to transact all business in the Patent Office connected therewith.

The undersigned petitioner further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and of any patent issuing thereon.

Date: 10/15/2003


R. Scott Capps